The
REPORTER
For Conscience' Sake

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Government Reverses CO Naturalization Policy

Will No Longer Require Defense Work or Religious Affiliation

The United States Immigration and Naturalization Service has finally agreed that a conscientious objector need not be willing to work in a defense plant or belong to an organized church in order to become a citizen. In a letter to NSBRO from the office of the Attorney General, dated December 23, 1955, and signed by John V. Lindsay, Executive Assistant to the Attorney General, announcement of the policy change in regard to the scope of work of national importance was made in the following paragraph:

"The Immigration and Naturalization Service has issued instructions that a petitioner for naturalization who expresses willingness to perform work of national importance under civilian direction will not be interrogated further regarding the types of such work he is willing to perform. The cases of such petitioners, including those who are unwilling to work in a munitions or defense plant, will be presented to the courts with favorable recommendations."

(Exact copies of the entire letter from the Department of Justice are available to lawyers and others from NSBRO.)

Prior to this change in policy naturalization examiners had been following this procedure: a CO desiring to become a citizen and to take the oath of allegiance promising to perform "work of national importance under civilian direction" would be asked if he would be willing to work in a defenes plant or other work related to the production of arms. If the CO replied in the negative the naturalization examiner would recommend against his citizenship. Most conscientious objectors who are opposed to military service are also conscientiously opposed to engaging in the manufacturing of weapons.

The government's change of policy marks the end of a long effort by NSBRO, other CO organizations and attorneys interested in the problem. Soon after the Nationality Act of 1952 went into effect NSBRO began contacts with the Immigration and Naturalization Service on this problem. In January, 1954, a lengthy memorandum was submitted to the Commission of the Immigration and Naturalization Service. Although government officials seemed to agree with the argument presented in the memorandum they refused to change their policy. It was only after intensified representation this fall and a series of three court cases beginning with the Aoboud case (see story on page 3) on October 17, that the Government finally reversed its policy.

The Immigration and Naturalization Service has indicated to NSBRO that in those cases where examiners have already recommended against the citizenship of COs solely because they were unwilling to work in defense industry, the recommendation will be withdrawn and a favorable recommendation presented to the court.

The Immigration and Naturalization Service has also indicated that they have dropped their requirement that a CO peti-

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Navy COs Train At Bainbridge, Maryland

Conscientious objectors to combatant service (I-AO), brought into Navy through the draft, are being transferred to the Naval Training Center at Bainbridge, Maryland, for modified recruit training. The Navy has not had any special provisions for training COs since the Korean War. Because Navy ranks were filled by volunteers there were almost no conscientious objectors. However, when the Navy began using the draft again last November, a few conscientious objectors were called and it is likely that more will be included in the Navy draft calls between now and next June.

According to revised regulations issued November 9, 1955, Navy COs are subject to all regular training except for any study, use, or handling of arms or weapons.

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NEW ADDRESS FOR NSBRO OFFICE

On February 1 the office of NSBRO will move from its present location to Room 403, 401 Third Street, N. W., Washington, D. C. The new telephone number will be EXecutive 3-4868.

The new location will be more convenient to government offices and transportation, being only about four blocks from both the Capitol and Union Station. Reporter readers are cordially invited to stop at the NSBRO office any time they are in Washington.

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NATURALIZATION CHANGE

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tioning for citizenship must be a member of an organized church. This aspect of CO naturalization policy was much less publicized and apparently had affected few if any individuals until it came to the fore in the case of a Pennsylvania immigrant CO, John Peter Hieden. (See story on page 3) Hieden based his conscientious objection on religious grounds but did not belong to an organized church. The Immigration and Naturalization Service contended that if Hieden belonged to an organized religious group he could become a citizen. Officials have now indicated to NSBRO that the unfavorable recommendation in this case is being withdrawn.

The Department of Justice officials state that in both the matter of scope of work of national importance and religious affiliation they are changing their policy so as to bring their treatment of COs "in line with Selective Service practice and policy". The legislative history of the 1950 Nationality Act clearly indicates that it was the intention of Congress that the standards and criteria applying to conscientious objectors in regard to naturalization sthould be the same as those applied in Selective Service proceedings.

NEW NSBRO EXECUTIVE SECRETARY ASSUMES DUTIES

C. LeRoy Doty, Jr., appointed last September by the Board of Directors to succeed A. Stauffer Curry as Executive Secretary, arrived in Washington the beginning of January and has assumed his new duties.

New York Civil Defense Objectors Sentenced

On December 22, 1955 nineteen pacifists were convicted in a New York Court for violating the State Defense Emergency Act. They had refused to take shelter during an air-raid test last June 15. Magistrate Bushel contended that the Constitutional guarantee of religious freedom does not "justify practices inconsistent with the peace or safety of this state". The judge suspended sentence of this group of defendants and seven others who had pleaded guilty earlier.

The attorney for the pacifists, Kenneth W. Greenawalt, noted that there were "quite serious Constitutional questions involved" and said he would file an appeal.

It is hoped that an appeal will secure a ruling that the civil defense law is a violation of freedom of conscience.

DAVIDSON ENTERS PRISON

At 1:30 p.m., Monday, December 5, Vern George Davidson surrendered to federal authorities in Los Angeles to begin serving a three-year prison sentence for refusing to serve in the armed forces of the United States. The Supreme Court late in November turned down an appeal, thus ending any hope for Davidson winning legal recognition as a conscientious objector. Judge Westover turned down a request from the defense attorney, J. B. Tietz, that probation be granted since Davidson was already engaged in work of national importance (in a state hospital in Berkeley, California).

The crucial point in the Davidson case was the requirement of the draft law that COs must believe in a Supreme Being. Davidson, an agnostic, charged that the law is a violation of the separation of church and state, and discriminated against political, humanitarian, and philosophical objectors.

Courts Grant Citizenship to More COs

Although the Government objected because of unwillingness of petitioners to work in defense plants, the courts have granted citizenship to two more conscientious objectors under the 1952 Nationality Act. With the Leidenfrost case (see December 1955 REPORTER) this brings to three the number of conscientious objectors who have won citizenship from the courts in cases where the Immigration and Naturalization Service was in opposition because the COs would not promise to work in war industry. (See page 1 story for change of Government policy in this matter).

Faud Abboud

On October 17, 1955, Judge Harold P. Burke of the Western District Court of New York granted citizenship to Faud Labib Abboud, a conscientious objector and member of the Episcopalian Church. Abboud had initially encountered difficulty because the Immigration Service uestioned whether his objections were by reason of religious belief. At the Court hearings, however, the specific question of the scope of work of national importance was raised and Abboud stated that he would be willing to do only work of a non-military nature under civilian direction. Abboud's attorney, Arnold T. Olena (ex-CPS man and former NSBRO staff member) explained to the court the manner in which the phrase "work of national importance under civilian direction" had historically been interpreted by the Selective Service System. This is the first case in which a favorable ruling on a matter of defense work had been obtained by a conscientious objector seeking citizenship.

Otto Jost

On December 23, 1955, Otto Jost became a citizen in the State Superior Court at Fresno, California. Jost is a brother to Art Jost, whose naturalization petition under the 1950 Act was taken to the Supreme Court before he finally won citizenship.

Judge Edward R. Kelas of the California Superior Court discussed the problem of defense work in a memorandum a few days before Jost was naturalized:

"Questions propounded by the Government and by the Court itself on the point of whether or not the Petitioner would perform work in a munitions factory were not pertinent, except to show the mental attitude or the belief of the Petitioner. It is the view of the Court that the Government has no right to attempt to read something into the statute which is not, in fact, there, or to attempt to interpret it and base the denial of the Petitioner's petition upon an answer thereto which is contrary to what the Government felt the answer should be. The Court is convinced that Otto Jost is attached to the principles of the United States Constitution, and that this Court has no right to say that his religious beliefs must yield in order for him to become a citizen of the United States."

Religious CO Denied Citizenship Because He Is Not Church Member

A Northampton County, Pennsylvania, court has postponed granting American citizenship to a 61-year-old German immigrant because the naturalization examiner contended that in order to qualify as a conscientious objector the prospective citizen had to be a member of a church.

John Peter Heiden was a member of the Catholic Church in Germany until after World War I. After his discharge from the German army he became a pacifist. In 1930 Heiden came to the United States and actively expressed his pacifist doctrines here. Although Heiden bases his conscientious objection to military service on religious grounds, he is not now a member of an organized church.

The naturalization examiner contended that this was the only factor standing between Heiden and citizenship. Apparently there was no question of Heiden's sincerity. The examiner in this case was, of course, completely wrong in insisting that Heiden must belong to an organized church in order to qualify for citizenship as a conscientious objector. There is no such requirement in the law and it now appears that the examiner's recommendation will be withdrawn and that Heiden will receive citizenship. The Immigration and Naturalization Service in Washington has indicated that they have changed their policy on this matter. (See story on page 1).

The Easton Express, a daily newspaper, ran two extensive articles on December 5 and 6 describing Heiden's beliefs.

CO Discharged After Army Tries Transfer to I-W Work Program

A Michigan man who became a CO after voluntarily enlisting for three years military service was recently discharged by the Army almost seven months after his initial request. He had served fourteen months of his three year tour of duty at the time he first wrote to the Adjutant General of the Army describing his religious beliefs and requesting discharge. After many false starts and delays the Army finally gave him an honorable discharge under Army regulations providing for "discharge for the convenience of the government."

When the CO first submitted his request for discharge through the regular channels, it was soon turned down. However, Pentagon officials called the case in for review when it was called to their attention by NSBRO. After months of review, discussion, and reconsideration the Army told the CO that if he would be willing to serve the remainder of his three year obligation in the civilian work program under Selective Service, they would grant him a discharge. Although the CO and NSBRO insisted that such an arrangement was not legally possible, even though the CO in this case wanted to work in a civilian project, the Army took several more months to find out for themselves that such an arrangement simply could not be effected.

However, the Army still insisted that it could transfer the CO to inactive reserve status on the condition that he work in some I-W project for the remainder of his three year service and that, if he did not fulfill this condition, he could be recalled to active duty. Finally, the Army suddenly decided that they would grant an outright discharge, which was the only solution consistent with the convictions of the CO. He is now serving a fifteen-month term as full-time director of a metropolitan weekend work camp.

The pertinent part of the Army regulation under which this CO and a few others have been discharged reads as follows:

"The separation of enlisted personnel for the convenience of the Government is the prerogative of the Secretary of the Army and will be effected only by his authority. Except as delegated by these regulations or by special Department of the Army directives, the discharge or release of any enlisted member of the Army for the convenience of the Government will be in the Secretary's discretion and with the type of discharge as determined by him. Such authority may be given either in an individual case or by an order applicable to all cases specified in such order."

Despite this regulation it has proved almost impossible for persons becoming conscientious objectors after entering army service to secure release. For this reason, NSBRO and other agencies are continuing to urge regulations specifically providing for discharge of conscientious objectors.

White House Pickets Ask CO Amnesty

On Saturday, December 10, 1955 a score of men and women picketed the White House with banners urging President Eisenhower to grant a Christmas Amnesty to conscientious objectors in prison during World War II.

COs with World War II prison convictions are still deprived of certain civil rights in some states. The practice of law, the obtaining of passports, and other activities are affected.

Appeals to the White House for amnesty at Christmas have failed in recent years. The usual letter of reply to such petition is simply a passing on of a Department of Justice or Selective Service opinion and has revealed no real attempt to understand the problem.

NAVY COs

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After the completion of recruit training, Navy conscientious objectors are transferred to the Hospital Corps for further training. The Navy regulations state "such men, because of the assignment to medical units, will not be allowed to avoid the important or hazardous duties which are the responsibilities of all members of the medical organization".

Any Navy CO who does not meet the qualifications for the Hospital Corps or who fails to complete Hospital Corps training is assigned to other non-combatant duties. The Navy defines the other possible assignments as follows: "Any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms in combat or to be trained in their use".

Germany May Restrict CO Definition

Although the West German constitution guarantees recognition of conscientious objectors, the Parliament may find it necessary to more closely define the CO because of the widely varied reasons for which many German youth object to serving in the proposed new Army. Eric Tucker, English Quaker who recently talked with Bonn officials about COs, also reports that there is practically no comprehension of the absolutist position in Germany.

ARMY BEGINS SECURITY CHECK AT TIME OF PHYSICAL EXAMINATION

Because of criticism that its old system of security checks after induction was unfair, the Army has established a new system of initiating security clearance before induction. Under this system all registrants found to be physically and mentally qualified for military service are requested to sign a loyalty certificate. If anyone refuses to sign the loyalty certificate or it is unsatisfactory the person is not inducted but his induction is "held in abeyance". Such individuals will be thoroughly investigated, according to the Armed Forces, before they are inducted.

Several conscientious objectors have been confronted with the Army loyalty certificate at the time of their physical examination. Apparently this was due to misunderstanding on the part of army officials and instructions have now been issued that the certificates will be requested only of I-A and I-AO registrants who are found to be physically and mentally qualified.

The registrant who does not satisfy the Army security standards will be returned to Selective Service as unfit for military duty and will be classified IV-F. This classification cannot be appealed.

It is still uncertain if a registrant being checked for security reasons will be provided with counsel, or even if a hearing and appeal procedure will be set up by the Army.

New Zealand COs Have No Right of Appeal

A magistrate in New Zealand who sentenced two COs to six weeks imprisonment last summer, at the same time criticized the New Zealand Military Training Act as "one of the most inept pieces of legislation on the Statute Book". The two COs had failed to secure recognition as conscientious objectors and refused to report for armed forces physical examination.

The judge further felt that it was "fundamentally wrong" to treat conscientious objectors as criminals.

In New Zealand there is no appeal from the decision of a tribunal. Before sentencing the two COs the New Zealand magistrate advised them that they could petition Parliament for a rehearing of their application to be registered as conscientious objectors.

New Rules on Drafting Fathers Still Uncertain

The new regulations proposed by Selective Service to halt the call-up of fathers and older registrants are still in the process of approval by the various departments of the Executive branch of the government. It is impossible to know the final form of the regulation or how soon they will be signed by the President.

NSBRO has learned. however, that the regulations will establish a system of seven priorities for call-up. Local Boards would be required to take all men from the top categories before proceeding to the lower ones.

At the top of the list would be registrants with postponed inductions and delinquents. Next would be single men ages 19-25, followed by married men ages 19-25, fathers 19-25, then men 26 and over, and finally 18 years olds.

The effect of regulations would be to draft men at the younger age and allow fathers and certain men over 26 to be free from call. Theoretically of course they could be called if all other categories were exhausted, but this would be unlikely to happen except in case of another complete mobilization.

It is reported there is some opposition in government circles to placing 19-25 year old married men in a lower category than single men of the same age. But it does appear likely that the low priority for men 26 years of age and over will be approved as proposed by Selective Service.

Two French COs Spend 7th Year in Military Prison

Two French conscientious objectors have spent their seventh Christmas in a military prison. France does not recognize conscientious objection and men who refuse to be called up are kept under the jurisdiction of the Army until the age of 49. Other prisoners have suffered breakdowns in health because of the harsh conditions in military prisons. The process of court martial, sentence, release and court martial again usually continue until the CO has to be transferred to a hospital or rest home for reasons of health.

Low Draft Calls Also Affect COs

Several Reporter readers have asked how an increase or decrease in Defense Department draft calls affects conscientious objectors. The answer is that it affects COs in exactly the same way as it affects all registrants. At any local board all registrants are listed in the order they registered, in other words by age. When the local board receives a call to send ten men to the armed forces, the first ten eligible to be inducted are called. If one of these happens to be a conscientious objector, he is ordered to report to civilian work. Although local boards do maintain a separate register of conscientious objectors, COs are in the same list as all registrants for purposes of determining the order of call.

The result is that when draft calls are low, fewer COs are called and when draft calls are high, more COs are called.

The Defense Department has requested Selective Service to provide the army with 6000 inductees in February, the lowest draft call since the Korean War. In addition, the Army reduced its request for January from 8000 to 2000. It is expected that the 6000 monthly draft calls from the Army will continue through June.

Last November the Navy announced that it planned to draft a total of 56,000 men until June, 1956. However, the Navy did not put in a draft call for January or February because enlistments have been running higher than expected. The Navy has requested 10,000 men for March.

It should be pointed out that even though draft calls are low, Selective Service continues its process of registration and classification. This means that conscientious objectors should be as alert as ever in complying with notices on time and in filing complete information about their CO claims.

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